

OFFICIAL GAZETTE



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GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

32-45-66-SPL

In continuation of this Department's Notification of even number dated 25th September, 1970, published in Official Gazette Series I, No. 28 dated 8-10-1970, the following Order from the Government of India, Cabinet Secretariat (Department of Personnel) relating to the constitution of a Joint Cadre of the Indian Administrative Service for all the Union Territories and the area of the North East Frontier Agency, is hereby republished for information and guidance.

V. H. Sakhalakar, Deputy Secretary (Appointments).

Panaji, 28th January, 1971.

GOVERNMENT OF INDIA

CABINET SECRETARIAT

(Department of Personnel)

New Delhi-1, the 21st December, 1970

Order

13/3/67-AIS(I)

G. S. R. No. — In exercise of the powers conferred by sub-section (1) of Section 3 of the All-India Services Act, 1951 (61 of 1951), read with sub-rule (1) of rule 3 of the Indian Administrative Service (Cadre) Rules, 1954, and of all other powers hereunto enabling, and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. GSR. No. 42 dated the 13th January, 1968 (relating to the constitution of a Joint Cadre of the Indian Administrative Service for all the Union Territories), the Central Government hereby constitutes for all the Union Territories and the area of the North East Frontier Agency a Joint Cadre of the Indian Administrative Service with effect from the date of publication of this Order in the Gazette of India.

Sd/-

ANNA R. GEORGE

Joint Secretary to the Government of India

Notification

OSD/RRVS/18/67

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the Class II post of Under Secretary in the Legislature Department, under the Government of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government, Legislature Department, Class II Gazetted post Recruitment Rules, 1971.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. The Notification dated 29th December, 1966, published in Government Gazette Series I, No. 42 dated 19th January, 1967 is hereby cancelled.

K. N. Srivastava
Chief Secretary

Panaji, 14th January, 1971.

SCHEDULE

| Name of the post | No. of posts | Classification | Scale of Pay | Whether Selection Post or non-Selection Post | Age for direct recruits | Educational and other qualifications required for direct recruits | Whether agr and educational qualifications prescribed for the direct recruits will apply in the case of promotees | Period of probation, if any | Method of recruitment whether by direct recruitment or by promotion/transfer and percentage of the vacancies to be filled by various methods | In case of recruitment, by promotion/grades from which promotion/transfer is to be made | If a DPC exists, what is to be considered in its composition making recruitment | Circumstances in which U.P.S.C. is to be consulted in making recruitment |
|-------------------------------|--------------|-------------------------------------------|----------------------------------------------------|----------------------------------------------|-------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Under Secretary (Legislature) | One | General Central Service Class II Gazetted | Rs. 620-900 plus special pay of Rs. 75/- per month | Selection | Not Applicable | Not Applicable | Not Applicable | Two years | Promotion falling which by transfer on deputation. | Promotion: i) Superintendents. ii) Research Officer in the Department. with five years service in the respective grades rendered after appointment thereto on a regular basis. Transfer on deputation. | Class II Deputational Pro-vice Commission (Exemption from Consultation) Regulations, 1958. | |

Finance (Revenue) Department

Notification

Fin(Rev)/2-36/AR/5/71

In exercise of the powers conferred on the Central Government by sub-section (2) of Section 10 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) read with the Government of India, Ministry of Home Affairs Notification No. 7/3/65/UTL dated 14th April, 1965, issued under Article 239(1) of the Constitution, the Administrator is hereby pleased to further amend the Second Schedule (to the said Act) as last amended as per notification No. Fin (Rev)/2-36/Part/873/B/66 dated 29-4-1969 as follows:

The following new entry shall be added after entry No. 67.

"68. Any goods manufactured, processed or assembled in this territory and not covered by any other entry of this Schedule, at the point of sale made by any Small Scale Industry as defined in clause (f) of Section 2 of the Goa, Daman and Diu State Aid to Industries Act, 1965 (15 of 1965), within a period of 5 years from the date of its registration with the Directorate of Industries, Government of Goa, Daman and Diu, Panaji."

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 27th January, 1971.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/A/7/153/71

In exercise of the powers conferred on him by Rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Bill, 1971

A
BILL

To provide for the protection from eviction of mundcars, agricultural labourers and village artisans from dwelling houses occupied by them and for matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-Second Year of the Republic of India as follows:—

1. Short title, extent, commencement and duration. — (1) This Act may be called the Goa, Daman

and Diu (Protection from Eviction of Mundcars, Agricultural Labourers and Village Artisans) Act, 1971.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force at once.

(4) It shall remain in force for a period of two years and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897, (Central Act 10 of 1897) as made applicable to the Union Territory of Goa, Daman and Diu under section 2 of the Goa, Daman and Diu General Clauses Act, 1965, (7 of 1965) shall apply as if this Act had then been repealed by an Act of the Legislative Assembly of Goa, Daman and Diu.

2. Definitions.—In this Act, unless the context otherwise requires—

(a) "agricultural labourer" means a person whose principal means of livelihood is the income he gets as wages in connection with the agricultural operations he performs and who has neither a homestead nor any land, either as owner or as tenant in possession, on which he could erect a homestead.

(b) "appointed day" means the date of the first publication of this Bill in the Official Gazette Govt. of Goa, Daman and Diu.

(c) "dwelling house" means—

(1) in relation to a mundcar, the fixed habitation in a rural property in which he resides, specially with the purpose of cultivation or watch and protection;

(2) in relation to an agricultural labourer or a village artisan—

(i) a homestead erected by him on land forming part of a rural property with the permission of the person in lawful possession of such land, with or without any obligation to pay rent; or

(ii) a hut situated on such land and which is being occupied by him with the permission of the person in lawful possession of the land, with or without obligation to pay rent,

and includes such other areas adjacent to the dwelling house as may be necessary for the convenient enjoyment of such dwelling house;

Explanation.—For the purposes of this Clause, "hut" means any structure constructed for the purposes of dwelling, at a cost not exceeding four hundred rupees or could have, at the time of construction, yielded a monthly rent not exceeding four rupees.

(d) "Mamlatdar" has the meaning assigned to it in clause (c) of section 2 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966; (9 of 1966).

(e) "mundcar" has the meaning assigned to it in the Legislative Diploma No. 1952, dated the 26th November, 1959, as in force for the time being;

(f) "village artisan" means a person whose principal means of livelihood is the income he derives from working as an artisan in a village and who has neither a homestead nor any land, either as owner or as tenant in possession, on which he could erect a homestead.

3. Bar on eviction of mundcars, agricultural labourers and village artisans and stay of eviction proceedings.—Notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract or a decree or order of any court or other authority, so long as this Act is in force—

(a) no mundcar, agricultural labourer or village artisan shall be evicted from his dwelling house by any person on any ground whatsoever;

(b) no suit, or proceedings in execution of decrees or orders, or other proceedings for eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house shall lie in any court, and all suits, proceedings in execution of decrees or orders and other proceedings pending in a court at the commencement of this Act for eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house shall be stayed.

4. Protection of certain rights of mundcars, agricultural labourers and village artisans.—Every mundcar, agricultural labourer or village artisan who was enjoying any customary, easement or other rights in respect of his dwelling house immediately before the appointed day shall be entitled to continue to enjoy such rights and no suit or other proceedings for the curtailment, or for the non-enjoyment, of such rights shall lie in any court, and any suit or other proceedings for such curtailment or non-enjoyment pending in any court at the commencement of this Act shall be stayed.

5. Limitation.—In computing the period of limitation prescribed under any law for the institution of suits or proceedings prohibited or stayed under section 3 or section 4, the time during which such suits and proceedings are prohibited or stayed shall be excluded.

6. Punishment for disturbance of customary, easement and other rights of mundcars, agricultural labourers and village artisans.—(1) Any person who, in contravention of section 3 or section 4, evicts or causes the eviction of a mundcar, an agricultural labourer or a village artisan from his dwelling house or in any manner disturbs or interferes with the customary, easement or other rights which a mundcar, an agricultural labourer or a village artisan is entitled to enjoy in respect of his dwelling house shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

(2) Any person who attempts to contravene or abets the contravention of the provisions of sub-section (1) shall be deemed to have contravened that sub-section.

7. Restoration of possession.—(1) Any mundcar, agricultural labourer or village artisan who has been evicted from his dwelling house at any time on or

after the appointed day may, within six months of the commencement of this Act, or of the date of his eviction, whichever is later, make an application in writing to the Mamlatdar for restoration of possession of the dwelling house.

(2) Every application made under sub-section (1) shall contain the following particulars, namely:—

- (a) Name of the applicant;
- (b) Name of the proprietor of a rural property;
- (c) Residential addresses of the applicant and of the proprietor of a rural property;
- (d) Location of the dwelling house;
- (e) Whether evicted in execution of orders of the court or otherwise;
- (f) Date of eviction;
- (g) Particulars as to when the dwelling house was erected, constructed or occupied by the applicant;

(3) The Mamlatdar shall, on receipt of an application under sub-section (1), make or cause to be made such inquiries as he may consider necessary in respect of such application, and, if he is satisfied that the applicant is entitled to restoration of his dwelling house, may, by order, direct such restoration.

(4) No order under sub-section (3) shall be passed by the Mamlatdar unless the person against whom the order is proposed to be passed has been given an opportunity of being heard in the matter.

8. Permission deemed to be granted in certain cases to a mundcar, an agricultural labourer or a village artisan.—A mundcar, an agricultural labourer or a village artisan shall be deemed to reside in a dwelling house with the permission of the proprietor of a rural property if such mundcar, agricultural labourer or village artisan was continuously residing therein for more than six months immediately before the appointed day.

9. Mamlatdar to decide whether or not a person is a mundcar, an agricultural labourer or a village artisan.—(1) If any dispute arises as to whether a person is a mundcar, an agricultural labourer or a village artisan within the meaning of this Act, such dispute shall be decided by the Mamlatdar.

(2) Where in any proceedings before the Mamlatdar a plea is raised by a proprietor of a rural property that the person claiming to reside in a dwelling house is not a mundcar, an agricultural labourer or a village artisan within the meaning of this Act, the burden of proving such plea shall be on the proprietor.

10. Revision.—(1) Every order or decision of the Mamlatdar under sub-section (3) of section 7 or under sub-section (1) of section 9 shall be subject to revision in accordance with the provisions of sub-section (2) to (4) of section 22 of the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966) as if such order or decision had been made in a suit or proceeding under that Act, subject to the modification that the reference to sixty days in the provision to sub-section (2) of the said section 22 shall be construed as a reference to thirty days.

(2) Every order or decision made by the Mamlatdar under this Act shall, subject to any orders that may be passed under sub-section (1) in revision, be final.

(3) Every order made by the Mamlatdar under this Act shall be executed as if it had been made under the Goa, Daman and Diu Mamlatdar's Court Act, 1966 (9 of 1966).

11. Bar of Jurisdiction.—No Civil Court shall have jurisdiction to entertain, decide or deal with any question which is required to be decided by the Mamlatdar under this Act.

12. Power to make rules.—(1) The Government may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

(2) All rules made under this Act shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modification as the Assembly may make during the session in which they are so laid or the session immediately following.

Statement of objects and reasons

There exists in the Union Territory of Goa, Daman and Diu a peculiar system named mundkarism, which is centuries old.

At present, the said system is regulated by the Legislative Diploma No. 1952 dated 19-12-1961.

It has come to the notice of the Government that the landlords in anticipation of the final and comprehensive legislation which will be introduced in this House, in order to regulate the relationship between the proprietor and the Mundcar in this territory, started to evict the persons residing on land in order to get rid of them and to avoid the consequences of the proposed legislation. The above mentioned Legislative Diploma No. 1952 in force has proved to be inadequate to stop such eviction of Mundcars. The comprehensive legislation on the subject is being prepared and a Committee has been appointed by the Government to go into the details of the same. The report of the Committee is still awaited. Until that and in order to avoid evictions of Mundkars, the Government thought advisable to have a stop-gap arrangement, in order, not only to prohibit any eviction of Mundkars but also to stay all suits, proceedings in execution of decrees or orders pending in any court at the commencement of this Act.

Besides, the agricultural labourers and village artisans are also intended to be protected from eviction from the dwelling houses. At present such relief has been given to the agricultural labourers and village artisans under Section 17(9) of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, vide Government Notification No. RD/TNC/MND/236/67, dated the 9th November, 1967. The proposed Bill would, however, be more comprehensive in its scope.

It is in this context, that this Bill has been prepared and it will have only a limited period of validity, i. e. only 2 years. In the meanwhile, it is expected that a complete legislation on the subject will be introduced in this House.

Memorandum of delegation of legislative powers

Powers have been delegated to the Government to make rules generally to carry out the purposes of the Act.

There is no specific proposal for exercise of such power and the provision has been included by way of abundant caution as that some minor details may be filled as may be found necessary in the course of the administration of the Act. Then the delegated legislation, if any, would be only of normal character.

The rules to be framed will be laid on the table of the House and will be subject to such modification as may be made by the House.

Panaji,
27th January, 1971

D. B. BANDODKAR
Chief Minister

Assembly Hall
Panaji,
27th January, 1971

O. P. GARG
Secretary to the Legislative
Assembly of Goa, Daman and Diu

Local Self Government Department

Notification

3-89-70-LSG

The following draft set of rules to be made under the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) namely the Goa, Daman and Diu Municipalities (Consolidated Property Tax) Rules which the Government of Goa, Daman and Diu proposes to make is hereby published, for general information. If any person has any suggestions or objections to make regarding the said draft the same may be sent to the Under Secretary to the Government of Goa, Daman and Diu in the Department of Local Self Government within 15 days of this publication, so that they may be taken into consideration by the Government at the time of finalisation of the said draft.

DRAFT RULES

In exercise of powers conferred by section 306 read with Sub-Section (1) of Section 101 of the Goa, Daman and Diu Municipalities Act, 1968 (No. 7 of 1969) and all other powers enabling him in this behalf, the Lieutenant Governor, Goa, Daman and Diu, hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa, Daman and Diu Municipalities (Consolidated Property Tax) Rules, 1971.

(2) They shall come into force with effect from the first day of 1971).

2. **Definitions.**— In these rules, unless the context otherwise requires:—

(a) "Act" means the Goa, Daman and Diu Municipalities Act, 1968. (7 of 1969);

(b) "rateable value" means the rateable value of any building or land as determined under section 110;

(c) "section" means a section of the Act;

(d) "tax" means a consolidated property tax on lands, or on buildings, or on both, leviable or levied by any Council under section 101.

3. **Levy of the tax and maximum and minimum rates therefor.**— (1) Subject to the provisions of the Act and the rules and bye-laws made thereunder, the tax shall be leviable by every Council on all lands and buildings situated within the Municipal area, except on those which are exempted under rule 10 or by or under any other provisions of the Act.

(2) The maximum and minimum rates at which the tax shall be levied in different classes of municipal areas shall be as follows, namely:—

| Class of the municipal area | Maximum rate of the tax | Minimum rate of the tax |
|-----------------------------|----------------------------|----------------------------|
| 'B' Class | 12% of the rateable value. | 10% of the rateable value. |
| 'C' Class | 10% of the rateable value. | 8% of the rateable value. |

4. **Procedure preliminary to imposing the tax.**—

(1) Every Council, other than the one to which rule 5 applies, shall, by a resolution passed at a special meeting convened, within thirty days from the date of coming into force of these rules (or such further period or periods as the Government may, in any case allow) decide to levy the tax on lands and on buildings and approve the rate at which the tax shall be levied.

(2) Within seven days of the passing of such resolution the Council shall publish in the municipal area the resolution together with a notice specifying the rate at which and the date from which the tax shall be levied: Provided that, such date shall not be less than thirty days from the date of publication of the notice and shall not be any date other than the first day of the quarter immediately following the expiry of the said period of thirty days, that is to say, the first day of April, the first day of July, the first day of October or the first day of January, as the case may be, and if the tax is to be levied from any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing.

5. **Procedure preliminary to imposing the tax in special case.**— (1) The Chief Officer shall, immediately on the coming into force of these rules, undertake assessment of rateable values of properties in accordance with sections 109 to 127 of the Act and authenticate the assessment list by a date not later than the 31st March, 1971.

(2) The procedure for determining the rate of tax shall be as in rule 4, subject to the condition that the date from which the tax shall be levied in all such cases shall be the 1st April, 1971.

6. **Procedure for increasing or reducing rate of tax.**— When any Council decides to increase or reduce the rate of tax levied under these rules, it shall follow the procedure laid down in sub-rule (2) of rule 4.

7. Assessment in case of land or building sub-divided into separate shares. — (1) When the assessment list is being prepared under section 111 or being revised under section 120, if it appears to or is brought to the notice of the Chief Officer that the ownership of any building or land or portion thereof (hereinafter in this rule referred to as "the property") is sub-divided into separate shares, the Chief Officer may, on the application of any of the co-owners or suo motu, after giving all co-owners concerned an opportunity to be heard, divided the assessment of such property in the following manner: —

(i) If the Ownership be sub-divided into two or more shares without separate allotments, or if, as the result of such sub-division, there is a separate allotment of such property into two or more separate portion which are not entirely independent, the Chief Officer may, if he thinks fit, apportion the assessment among the shareholders according to the value of their respective shares without assigning any separate number;

(ii) If, as the result of such sub-division, there are separate allotments of such property and if such allotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of the Act or of any rules or bye-laws made thereunder relating to buildings, the Chief Officer may, if he thinks fit, assess such portions separately after assigning to them separate numbers;

(iii) If such separated portions of the property are, or are made entirely, independent and capable of separate enjoyment in conformity with the provisions of the Act and the rules and bye-laws made thereunder relating to buildings, the Chief Officer shall assess each portion separately by assigning a separate number thereto.

(2) Any apportionment or separation of the numbers and assessment made under sub-rule (1) shall remain in force for the same period for which the assessment list for the division of the municipal area in which the property is situated continues to be in force.

8. Tax payable yearly or half-yearly in advance. — The tax shall be levied by the year at the rate fixed by the Council and shall be recoverable in advance, but if the Council so decides it may be recovered in two half-yearly instalments payable in advance on each first of April and each first of October. If the tax comes into force on any day other than the first of April, it shall be leviable by the quarter till the first day of April next ensuing.

9. Collection of the tax. — The amount of the tax due shall be paid by the person concerned, from time to time, at the municipal office.

10. Exemptions. — (1) The following properties shall be exempted from the levy of the tax: —

(a) any building or land, or that portion of a building or land, which is exclusively used by the public for religious worship or exclusively used for public purpose of a charitable nature;

Note: Such portions of a building or land belonging to a religious or charitable institution as is let out on rent or is used for purposes other than the

religious or public purpose of that institution, shall not be entitled to any exemption under this clause: —

(b) any building or land, or that portion of a building or land, which is exclusively used for purposes connected with disposal of the dead;

(c) any building or land, or that portion of a building or land which is exclusively used for the purpose of a gymnasium, open to the public, free of charge or at a nominal charge, irrespective of religion, race or caste;

(d) any building or land which is a protected monument or area under the Ancient Monuments and Archaeological sites and Remains Act, 1958 (XXIV of 1958).

(e) any building or land belonging to the Council used exclusively for the purposes of the Council;

(f) all agricultural land on which food crops other than commercial crops are raised.

Note: The following are the commercial crops for the purpose of this clause: — Sugar-cane, irrigated cotton, irrigated groundnut, betel-leaves, citrus fruit, banana, grapes and chicoos.

(2) In the case of any building or land (i) the rateable value of which does not exceed Rs. 50 in 'B' class municipal area or Rs. 40 in 'C' class municipal area or (ii) which is exclusively used for imparting education, the rate of tax shall be one half of the rate fixed under rule 4 or 5, as the case may be:

Provided that, the partial exemption on the basis of lower rateable value under clause (a) shall be available to any assessee only in respect of one property.

11. List of exempted properties. — A list of properties exempted from levy of the tax shall be maintained by the Chief Officer and shall be submitted by him to the Council every year for information along with the annual budget.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

D. N. Barua, Secretary, Industries and Labour.

Panaji, 25th January, 1971.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/IGA(E. 682-I)/70

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendment adopted by the Board of Trustees is hereby published: —

AMENDMENT TO THE MORMUGAO PORT EMPLOYEES' (PENSION & GRATUITY) REGULATIONS, 1966

Substitute the following for the Explanation appearing below Regulation 53(2) of Mormugao Port:

Employees' (Pension & Gratuity) Regulations, 1966:—**"Explanation:**

If on the date of his death while in service or immediately before his retirement an employee has been absent from duty on leave with allowance his pay should be taken at what it would have been had he not been absent from duty, provided that the amount of family Pension is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave. However, in case an employee during the currency of leave on average pay not exceeding four months or the first four months of any period of leave on average pay exceeding four months earns an increment which is not withheld, he is entitled to count the pay which he would have drawn had he remained on duty.

If on the date of death while in service or immediately before retirement, an employee has been absent from duty being on extraordinary leave or suspension, "Pay" means, the pay which he drew immediately before proceeding on such leave or suspension".

By order,

M. J. Kurian
Secretary

Mormugao, 23rd October, 1970.

(2nd time)

Notification

MPT/IGA(E. 1221)/70

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following regulations which have been adopted by the Board of Trustees are hereby published:—

**DRAFT MORMUGAO PORT EMPLOYEES
(ACCEPTANCE OF EMPLOYMENT AFTER
RETIREMENT) REGULATIONS, 1970.**

1. Short title.— These Regulations may be called the Mormugao Port Employees (Acceptance of Employment after Retirement) Regulations, 1970.

2. Definitions.— In these Regulations unless the context otherwise requires:—

(a) "Board" and "Chairman" shall have the meanings assigned to them in the Major Port Trusts Act, 1963.

(b) "Competent Authority" means the Chairman in respect of employees of the Board drawing a salary of less than Rs. 1,000/- exclusive of allowances and in all other cases the Board.

(c) "Employee" means the employee of the Board.

(d) "Class I Post" shall have the same meaning as assigned to it under the Mormugao

Port Employees (Classification, Control and Appeal) Regulations, 1964.

3. Permission for employment within India.— (1) No employee who has held a Class-I post under the Board immediately before retirement (whether governed by Pension or Contributory Provident Fund Scheme of the Board) shall accept any employment within India including an employment as contractor for or in connection with the execution of public works or as an employee of such contractor before the expiry of two years from the date of retirement without obtaining the previous permission of the Competent authority.

(2) No employee who is covered by these Regulations and has not obtained the necessary permission shall be given any such contract and a condition shall be incorporated in the terms of the contract that it is liable to cancellation if either the contractor himself or any of his employee is found to be a person to whom these orders apply and he had not obtained the necessary permission.

(3) Employees whether governed by Pension or the Provident Fund Regulations, shall be required to sign, at the time of sanctioning the retirement benefits, an undertaking that they shall not seek employment within two years of retirement without obtaining the previous permission of the competent authority.

(4) In default the employee

(a) if governed by the Pension Scheme of the Board, shall forfeit his pension for the period during which he is so employed or for such longer period as the competent authority may direct, and

(b) if governed by the Contributory Provident Fund Scheme, shall be liable to compensate the Board to the extent the competent authority may decide for not honouring the undertaking made earlier to the contrary.

Provided that an employee permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein.

(5) The grant of permission under this regulation shall be subject to the fulfilment of the following criteria:—

(a) has the employee while in service had any such dealings with the proposed employer as might provoke the suspicion that he had shown favour to the later?

(b) will his duties be such that his official knowledge and experience could be used to give the employer an unfair advantage?

(c) will his duties be such as might bring him into conflict with the Board?

(d) is the proposed employment of a thoroughly reputable kind? (Note—Employment involving contract or liaison work with the Board will not be considered as employment of a thoroughly reputable kind).

(e) are there any exceptional circumstances, which would make the refusal of consent a real hardship?

(6) In respect of employees of the Engineering Department, whether in the executive or administrative side, permission within two years of retirement for seeking employment as contractors for or in connection with the execution of works of the Board or as employees of such contractors who are executing such works may be given very rarely and only in special circumstances.

(7) The application for permission to take up an employment within two years of retirement shall be made in the form given in the Annexure.

4. Permission for employment outside India. — (1) No employee (whether governed by Pension or the Contributory Provident Fund Scheme of the Board) who has held a Class-I post under the Board immediately before his retirement shall accept any employment under a foreign Government or employment outside India without obtaining the previous permission of the competent authority.

(2) The employee shall be required to sign an undertaking to this effect at the time of sanctioning retirement benefits:

(3) In default, an employee —

(a) if governed by the Pension Scheme of the Trust, shall forfeit the pension for the period during which he is so employed or for such longer period as the competent authority may direct, and

(b) if governed by the Contributory Provident Fund Scheme of the Board, shall be liable to compensate the Board to the extent the competent authority may decide for not honouring the undertaking made earlier to the contrary.

Provided that an employee permitted by the competent authority to take up such an employment during his leave preparatory to retirement shall not be required to obtain fresh permission on retirement for the continuance therein.

Provided further that the employment under a foreign Government shall include employment under a local authority or corporate or any other institution or organisation which functions under the control and/or supervision of a foreign Government.

5. Permission necessary in respect of temporary employees. — Permission for acceptance of employment after retirement will be necessary even in the case of an employee who immediately before retirement held a Class-I post in an officiating or temporary capacity.

6. Reckoning of two years period. — The period of two years for the purpose of these regulations shall in the case of an employee who is re-employed after retirement without a break in the same or another Class-I post be reckoned from the date from which he finally quits the Board's service.

ANNEXURE

Form of application for permission to accept employment within a period of two years after retirement

1. Name of the employee (in block letters).
2. Date of retirement.
3. Particulars of the Department in which the employee served during the last five years preceding retirement (with duration).

| Name of the Department | Post held | Duration? | |
|------------------------|-----------|-----------|----|
| | | From | To |
| | | | |

4. Post held at the time of retirement and period for which held.
5. Pay scale of the post and the pay drawn by the employee at the time of retirement.
6. Retirement benefits.
 - (i) if governed by the Contributory Provident Fund Scheme:
 - (a) amount of Special Contribution;
 - (b) amount of Trust's Contribution;
 - (c) amount of any other Contribution;
 - (ii) if governed by the Pension Scheme:
 - (a) Pension expected/sanctioned: (communication, if any, should be mentioned).
 - (b) Gratuity, if any:
7. Details regarding employment proposed to be taken up.
 - (a) Name of the firm/company/Co-operative Society, etc.
 - (b) Whether the official had during his official career any dealings with the firm/Company, etc.
 - (c) Duration or nature of the official dealings with the firm/company etc.
 - (d) Name of job/post offered.
 - (e) Whether post was advertised, if not, how was offer made.
 - (f) Description of the duties of the job/post.
 - (g) Does it involves liaison/contract work with Mormugao Port Trust?
 - (h) Remuneration offered for the post/job.
8. Any other information which the applicant desires to furnish in support of his request.

Station:

Signature of the Employee.

Dated:

By order,

M. J. Kurian

Secretary

Mormugao, 20th October, 1970.